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U.S. DISTRICT JUDGE
S.D.N.Y.

April 22, 2008

Honorable Harold Baer, Jr., USDJ
Daniel Patrick Moynihan United States Court House
500 Pearl Street/ Chambers 2230
New York, New York 1007

Re: *New Jersey Sports Productions, Inc. v. Panos Eliades, et al.*
Civil Action No. : 06 CV 1509 (HB)

Dear Judge Baer:

We hope this finds Your Honor well.

We write as counsel for the defendant Banner Promotions, Inc. to request that the referenced lawsuit be dismissed forthwith in accordance with Your Honor's previous Order.

This case was commenced in February of 2006. After multiple delays, last December 28 Your Honor entered the following hand written order, a copy of which is attached for the Court's convenience. It appears to read:

"My view is that the matter will be dismissed without prejudice and off my docket come April 15, should you choose to share this (and I wouldn't bet on it making much difference) with the Nevada Court you are welcome to do so."

The Clerk may have erred in his typed endorsement (also enclosed) which reflected Your Honor's Order as providing for dismissal "with due diligence." (emphasis added)

On April 11, 2008, counsel for plaintiff¹³ incorrectly wrote to this Court that "The Court in its last correspondence asked us to inform it by April 15 whether we wished to proceed" and then, just to the contrary of your ruling, requested that the case be restored to the active calendar.

We respectfully request that the case be dismissed.

Yours sincerely,

Raymond A. Levites

Harold Baer, Jr., U.S.D.J.

Date: 4/22/68

The Clerk may have erred in his typed endorsement (also enclosed) reflected Your Honor's Order as providing for dismissal "with due prejudice added)

On April 11, 2008 counsel for plaintiffs incorrectly wrote to this Court in its last correspondence asking us to inform it by April 15 whether we "proceed" and then, just to the contrary of your ruling, requested that the case be added to the active calendar.

We respectfully request that the case be dismissed.

Yours sincerely,
Raymond A. Levites
Harold Baer, Jr., U.S.D.J.
Date: 4/22/08

One of the problems in litigation generally is a long hiatus. It creates problems only added to by not reading correctly what I wrote in one letter long ago. In any event, you are scheduled for another PTC – on May 22nd and whatever is left to hash out we will do it then – maybe there will even be a decision.